

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TREK DEVELOPMENT GROUP,
INC.; NORTH HILLS AFFORDABLE
HOUSING CORPORATION
d/b/a HEARTH; BENET WOODS
HOUSING CORP.; and
BENET WOODS HOUSING
LIMITED PARTNERSHIP,

Plaintiffs,

v.

ROSS TOWNSHIP, a Pennsylvania
First Class Township and DANIEL P.
KINROSS, GRACE STANKO,
PETER FERRARO and GRANT
MONTGOMERY, in
their capacity as Commissioners
of Ross Township and as individuals,

Defendants.

Civil Action No. 07-1705

CONSENT ORDER OF COURT

AND NOW, this 14th day of JANUARY, 2008, upon motion
of all of the parties consenting to the entry of a Consent Order of Court
directing the resolution of the captioned matter upon the terms and
conditions set forth herein, it is hereby ORDERED, ADJUDGED AND
DECREED as follows:

1. The Hearth at Benet Woods Plan of Lots Preliminary
and Final Submission with last revision date 11/09/2007 (attached hereto
as Exhibit A and referred to hereinafter as the "Subdivision Plan"), is

deemed, and declared, to be approved by Ross Township and the Ross Township Commissioners.

2. Ross Township and the Ross Township Commissioners shall immediately execute and affix all required municipal signatures to the Subdivision Plan evidencing that approval of the Subdivision Plan, and necessary to permit the recording of the Subdivision Plan.

3. Plaintiff Benet Woods Housing Limited Partnership shall, at its sole cost and expense, grade and install the aggregate base course for the proposed "pavement widening" of Rodenbaugh Avenue (the "Pavement Widening Area") as shown on Sheet S-1 of the Subdivision Plan, in order to prepare the Pavement Widening Area for paving by the Township as contemplated in paragraph 4 below.

4. The Township shall, at its sole cost and expense, either prior to the completion of the construction of the dwelling units contemplated to be constructed pursuant to the Subdivision Plan, or within six months thereafter, pave the entire width of Rodenbaugh Avenue and the Pavement Widening Area, at least along the full length of the Pavement Widening Area, including the installation of a binder and wearing course and any other required work necessary to install said paving.

5. The Township and Township Commissioners agree that the Plaintiffs shall have no obligation to pay for, or to reconstruct and/or construct, the channel (swale) and yard drain as shown on Sheet SU-2 and Sheet CD-3 of the Subdivision Plan (attached hereto and made a part

hereof as Exhibit B), and that, if the Township deems it advisable that the channel (swale) and/or yard drain be constructed, the Township shall do so at its sole cost and expense.

6. The Conditional Use application dated September 6, 2007, filed by Plaintiff TREK Development Group, Inc. (attached hereto and made a part hereof as Exhibit C), which requested approval for the construction of a community room attached to the dwelling unit on Lot 6 of the Subdivision Plan, is deemed, and declared, to be approved by the Township and Township Commissioners.

7. Plaintiff Benet Woods Housing Limited Partnership shall, prior to the occupancy of the proposed development, promulgate and use reasonable efforts to enforce the rules and regulations governing the occupancy of the dwelling units contemplated to be constructed pursuant to the Subdivision Plan.

8. Promptly following the entry of this Consent Order of Court, Plaintiffs shall withdraw and discontinue their Notice of Zoning Appeal filed at S.A. No. 07-1448 in the Court of Common Pleas of Allegheny County.

9. Provided that Defendants comply with their obligations hereunder, Plaintiffs' request for damages and for attorneys' fees is denied, and each of the parties shall be responsible for its own costs and attorneys' fees.

10. The Court shall retain jurisdiction of all matters in connection with this Consent Order.

By the Court,

Donetta G. Ambrose
